

Comment Sheet

APPLICATION SERIAL NUMBER

10/732859

**DOES NOT COMPLY WITH THE
SEQUENCE RULES. See reasons below.**

The computer readable form contains errors. See the attached Raw Sequence Listing Error Report.

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/732, 859 A
Source: JFL016
Date Processed by STIC: 11/18/2005

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.2.2 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER: 10/732,859 A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1 **Wrapped Nucleic
Wrapped Aminos** The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."

2 **Invalid Line Length** The rules require that a line **not exceed 72 characters in length**. This includes white spaces.

3 **Misaligned Amino
Numbering** The numbering under each 5th amino acid is misaligned. **Do not use tab codes between numbers; use space characters, instead.**

4 **Non-ASCII** The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.

5 **Variable Length** Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.

6 **PatentIn 2.0
"bug"** A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. **This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.**

7 **Skipped Sequences
(OLD RULES)** Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
 (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
 (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
 (xi) SEQUENCE DESCRIPTION:SEQ.ID NO:X: (insert SEQ ID NO where "X" is shown)
 This sequence is intentionally skipped

 Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.

~~8 Skipped Sequences
(NEW RULES)~~ Sequence(s) ~~7~~ missing. If intentional, please insert the following lines for each skipped sequence.
 <210> sequence id number
 <400> sequence id number
 000

9 **Use of n's or Xaa's
(NEW RULES)** Use of n's and/or Xaa's have been detected in the Sequence Listing.
 Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
 In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

10 **Invalid <213>
Response** Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence

~~11 Use of <220>~~ Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
 (See "Federal Register," 06/01/1998, Vol. 61, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)

12 **PatentIn 2.0
"bug"** Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.

13 **Misuse of n/Xaa** "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



IFW16

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/732,859A

DATE: 11/18/2005
TIME: 10:02:28

Input Set : A:\10.732859 Sequence Listing (13101.48202).txt
Output Set: N:\CRF4\11182005\J732859A.raw

3 <110> APPLICANT: Turck, Jutta
4 Archer, John
6 <120> TITLE OF INVENTION: CONTROL OF GENE EXPRESSION IN EUKARYOTES
8 <130> FILE REFERENCE: 13101/48202
10 <140> CURRENT APPLICATION NUMBER: US 10/732,859A
11 <141> CURRENT FILING DATE: 2003-12-09
13 <150> PRIOR APPLICATION NUMBER: UK 9828660.2
14 <151> PRIOR FILING DATE: 1998-12-24
16 <150> PRIOR APPLICATION NUMBER: US 09/469,211
17 <151> PRIOR FILING DATE: 1999-12-22
19 <160> NUMBER OF SEQ ID NOS: 19
21 <170> SOFTWARE: PatentIn version 3.3

Does Not Comply
Corrected Diskette Needed

(pg 1-2)

ERRORED SEQUENCES

E--> 1133 <210> 7 (Insert)
E--> 1134 <211> do not include these in
E--> 1135 <212> an intentionally skipped sequences.
W--> 1136 <213> See item # 8 on Error Summary
E--> 1138 <400> sheet.
W--> 1140 000
E--> 1143 <210> SEQ ID NO: 8
1275 <210> SEQ ID NO: 19
1276 <211> LENGTH: 470
1277 <212> TYPE: DNA
1278 <213> ORGANISM: Artificial Sequence
1280 <220> FEATURE:
1281 <223> OTHER INFORMATION: Chimeric promoter
1283 <400> SEQUENCE: 19
1284 catgcctgca ggtcaacatg gtggagcacg acactctcggt ctactccaag aatatcaaag 60
1286 atacagtctc agaagaccag agggctatttgc agactttca acaaaggta atatcgaa 120
1288 acctccctcggtt attccatttc ccagctatct gtcacttcattt cggaaaaggaca gtagaaaaagg 180
1290 aagatggctt ctacaaatgc catcatggcg ataaaaggaaa ggctatcggtt caagaatgcc 240
1292 tctaccgaca gtggtcccaa agatgtaccc ccacccacgaa ggaacatcggtt gggaaaaagaa 300
1294 gacgttccaa ccacgttccaa aaagcaagtg gattgtatgtt atatctccac tgacgttacgg 360
1296 gatgacgcac aatcccacta tccttcgcaaa gacccttccctt ctatataagt agcgtctgaa 420
1298 cttagacgtt acgattcttag ttgaggaagt tcatttcattt tggagaggac 470
E--> 1301 2/23
E--> 1303 1/23

p/s delete

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<210> 8
<211> 27
<212> DNA
<213> Artificial Sequence

<220>
<223> OHPK3 → Insufficient Response. Give
Source of Genetic Material
<400> 8
atcgaattcg gatccatgac caccacc See Item # 11 on Error
Summary Sheet.

Above is the sample
of the similarly errored
Responses.

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/732,859A

DATE: 11/18/2005

TIME: 10:02:29

Input Set : A:\10.732859 Sequence Listing (13101.48202).txt
Output Set: N:\CRF4\11182005\J732859A.raw

L:1133 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO
L:1134 M:210 E: (40) Invalid Number of Sequences, LENGTH:
L:1135 M:310 E: (3) Wrong or Missing Sequence Type, numeric identifier <212>, for SEQ ID#:0
L:1136 M:201 W: Mandatory field data missing, <213> ORGANISM
L:1138 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQUENCE ID NOS:0 differs:7
L:1140 M:300 W: (50) Intentionally skipped Sequence, : Sequence Id (7) SEQUENCE:
L:1143 M:216 E: (34) Seq.#s missing, SEQ ID NOS: 1 thru 7
L:1301 M:254 E: No. of Bases conflict, LENGTH:Input:23 Counted:471 SEQ:19
L:1301 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
L:1303 M:254 E: No. of Bases conflict, LENGTH:Input:23 Counted:472 SEQ:19
L:1303 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
L:1303 M:252 E: No. of Seq. differs, <211> LENGTH:Input:470 Found:472 SEQ:19